

REMARKS

Claim 1 has been amended to positively recite that yarn proportioning is by weight. As is clear from the disclosure, and as is well-known in the art, yarn and yarn component ratios of the type recited in “%” and “parts” are conventionally based on weight, not volume.

Claim 1 has also been amended to describe the claimed fabric as having a Class 1 flame resistance based on the well-known French NF-P Combustion Test. For this reason, and others hereinafter discussed, it is respectfully submitted that neither the Ichibori et al. nor the Mori et al. references teach or suggest the invention of Claim 1.

As the Examiner points out, Ichibori et al. describes a flame resistant union fabric obtained by co-weaving two specifically defined yarns. The fabric includes 30% to 70% of (A) a fiber yarn that has, as a principal component, a halogen-containing flame resistance fiber including an antimony compound (25 parts to 50 parts) in an acrylic based copolymer (100 parts) consisting of acrylonitrile (30% to 70% by weight), a halogen containing vinyl based monomer (30% to 70%), and a vinyl based monomer copolymerizable therewith (0% to 10%). It also includes 70% to 30% of (B) a yarn consisting of a cellulosic fiber. What Ichibori et al. does not disclose or suggest is a compound yarn consisting of cellulosic fiber and a fiber having a melting temperature of 200°C to 400°C.

Mori et al. describe the purposes of their invention being to improve weft bar, high-quality appearance, shrinkage and strength by using a fiber having a melting temperature of 200°C to 240°C. Furthermore Mori et al. describe the composite crimped yarn of the invention as disclosing the sheath/core structure, which is shown in Fig. 1, consist of synthetic filament 2 as a core component and cellulosic filament 1 as a sheath component. This type of structure performs the advantageous effects described above after post-treatment. However Mori et al. are silent about the flame resistance of knitted fabric.

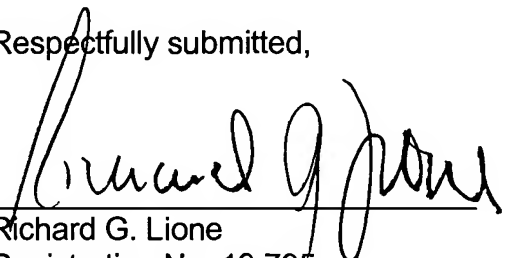
On the other hand, the present invention discloses compounding a fiber (b-2) melting at 200°C to 400°C with a cellulosic fiber (b-1). The fiber (b-2) covers the

halogen-containing flame resistant fiber in a combustion test of the fabric and, as a result, heat resistance of the fabric improves, leading to resultant improvement in flame resistance of the fabric (see page 10, lines 21-26 of the specification). Consequently, the union fabric of the present invention is able to have the excellent flame resistance necessary to pass class M1 of NF P 92-503 combustion tests.

It is a basic tenet of U.S. patent law that a teaching or suggestion to make a claimed combination and the reasonable expectation of success must be found in the prior art and not based on the applicants' disclosure. In re Vaelk, 947 F.2d 488 (Fed. Cir. 1991). Applicants respectfully submit that, in the present case, the rationale for combining the Ichibori et al. and Mori et al. references with expectations of success in achieving specially high flame resistance could come only from applicants' disclosure. Nowhere in either of these references is there any basis for having such expectations. Accordingly, applicants respectfully submit that the rejection of Claim 1 should be withdrawn.

Accordingly, Claim 1 should be allowable in its present form. Claim 2 depends therefrom and should be allowable with it.

Respectfully submitted,



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